

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Genesis Press, Inc., and)
Genesis Publications, LLC,) C.A. No. 6:08-2115-HMH
)
 Plaintiffs,)
)
 vs.)
)
 MAC Funding Corporation,)
)
 Intervenor Plaintiff,)
)
 vs.)
)
 Carolina First Bank,)
)
 Intervenor Plaintiff,)
)
 vs.)
)
 Hartford Casualty Insurance Company,)
)
 Defendant.)

OPINION & ORDER

Genesis Press, Inc. and Genesis Publications, LLC (collectively “Genesis”) and MAC Funding Corporation (“MAC”) have moved to compel Hartford Casualty Insurance Company (“Hartford”) to produce certain documents for which Hartford has claimed privilege. The documents at issue are listed by Bates numbers in Genesis’ supplement to the motion to compel, docket number 246, and MAC’s motion to compel, docket number 225.

At the hearing on December 14, 2009, all parties to the dispute requested that the court conduct an *in camera* review of the disputed documents. The court randomly selected documents for review. These documents have been received and reviewed by the court.

There were 30 single or multi-page documents produced for review. Of the 30 documents, it is clear that at least 18 documents should have been produced in whole or in part. Counsel for Hartford has now admitted that 16 of the documents should have been produced in whole or in part.

Based on the foregoing, the court finds that Hartford has engaged in clear discovery abuse as a result of its improper claims of privilege. Therefore, it is

ORDERED THAT all documents specifically listed by Bates numbers in Genesis' motion to compel and MAC's motion to compel be produced immediately to the respective movants. Except for those documents that Hartford agrees should have been produced, counsel for Genesis and MAC are directed to keep the documents confidential. Counsel for Genesis and MAC are further directed to review the disputed documents and return to Hartford any documents that are clearly covered by privilege. If Genesis or MAC wishes to utilize any of the disputed documents in any court proceeding or deposition, they may do so only with the consent of Hartford or with leave of court.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

December 16, 2009
Greenville, South Carolina